

# BILL

No. 148

## An Act respecting Films, repealing certain Acts and making consequential amendments to another Act

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(Assented to )

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

### PART 1 Preliminary Matters

#### Short title

1 This Act may be cited as *The Film Content Information Act*.

## FILM CONTENT INFORMATION ACT

**Definitions and interpretation**

2(1) In this Act:

**“adult film”** means:

- (a) a film that has, as its main object, the depiction of explicit sexual activity; or
- (b) a film which contains prescribed scenes;

**“authority”** means the Financial and Consumer Affairs Authority of Saskatchewan;

**“director”** means the Director of Film Content appointed pursuant to section 8;

**“exhibit”** means to show, project or otherwise display a film for viewing by the public;

**“exterior container”** means the packaging that is designed or intended to contain a physical copy of a film for the purposes of display for sale or rental;

**“film”** means a moving image, other than a video game, that may be generated for viewing from anything and includes videotapes, video discs, film or electronic files;

**“film trailer”** means a film that is used for advertising purposes in connection with the exhibition of another film;

**“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

**“prescribed”** means prescribed in the regulations.

(2) Notwithstanding any other provision of this Act or the regulations or of any other Act or law, if, pursuant to *The Financial and Consumer Affairs Authority of Saskatchewan Act*, the authority is assigned the performance of all or any of the responsibilities imposed on the director and the exercise of all or any of the powers given to the director by this Act or the regulations:

(a) any reference with respect to those responsibilities or powers in this Act or the regulations to the director is to be interpreted as a reference to the authority; and

(b) this Act and the regulations are to be interpreted subject to the provisions of *The Financial and Consumer Affairs Authority of Saskatchewan Act*.

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PART 2  
Exhibition

**Exhibition of films**

**3(1)** Subject to sections 4 and 5 and the regulations, no person shall exhibit a film unless the person, in advance of exhibiting the film, displays the following information at the place where the person exhibits the film or makes the following information available to the public in the prescribed manner:

- (a) information respecting the film and its content that the person exhibiting the film reasonably determines would be relevant to persons who may intend to view the film;
- (b) the name and contact information of a person to whom questions or complaints respecting the information mentioned in clause (a) may be directed;
- (c) any other prescribed information.

**(2)** For the purposes of clause (1)(a), examples of information respecting a film and its content that may be relevant to persons who may intend to view the film include the following:

- (a) the age of the intended audience of the film;
- (b) whether the film contains:
  - (i) nudity, sexual activity or adult themes;
  - (ii) the graphic depiction of violence involving bloodletting, torture, mutilation or criminal activity;
  - (iii) coarse language, sexual references or slurs; or
  - (iv) the depiction of the use of an illegal substance, or the illegal or harmful use of alcohol, a tobacco product, a vapour product or cannabis;
- (c) any other prescribed information.

**Previous classifications re exhibition of films**

**4** Subject to the regulations, if a film was previously classified for exhibition in Saskatchewan pursuant to *The Film and Video Classification Act, 2016*, as that Act existed before the coming into force of this Act, the person exhibiting the film may display or make available to the public in the prescribed manner the classification instead of displaying or making available to the public the information mentioned in section 3.

**Exemptions re section 3**

**5** Subject to the regulations, section 3 does not apply to films that are:

- (a) adult films;
- (b) owned, sponsored or exhibited by a church or religious society, if the film is designed for purposes of worship or religious instruction;

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- (c) owned, sponsored or exhibited by a university, school or other educational institution for which the minister responsible for the administration of *The Education Act, 1995* or *The Post-Secondary Education and Skills Training Act, 2022* is responsible, if the film is designed for educational purposes;
- (d) owned, sponsored or exhibited by a library that is part of the provincial public library system within the meaning of *The Public Libraries Act, 1996*, if the film is designed for educational purposes;
- (e) exhibited as part of a concert, a theatrical stage production or a live or pre-recorded cultural, sporting or athletic event;
- (f) designed for the purpose of advertising, demonstrating or instructing in the use of commercial or industrial products;
- (g) film trailers; or
- (h) prescribed.

### PART 3 Adult Films

#### Approval re exhibition and distribution

**6(1)** No person shall exhibit an adult film or sell, rent or otherwise make available a physical copy of an adult film unless the film has been reviewed and approved by an entity that is authorized to approve adult films pursuant to the laws of a province or territory of Canada or any other prescribed entity.

(2) No person shall sell, rent or otherwise make available a physical copy of an adult film unless a notice is affixed to the exterior container of the film, or appears on the physical copy itself, indicating that the film has been approved in accordance with subsection (1).

#### Age restrictions

**7(1)** No person shall exhibit an adult film to a person who is under 18 years of age.

(2) No person shall sell, rent or otherwise make available a physical copy of an adult film to a person who is under 18 years of age.

(3) No person shall permit a person who is under 18 years of age to handle, have access to or view an adult film.

### PART 4 Administration

#### Director and deputy directors

**8(1)** The minister:

- (a) shall appoint a Director of Film Content; and
- (b) may appoint one or more Deputy Directors of Film Content.

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(2) The director may delegate to any person the exercise of any powers given to the director and the fulfilling of any duties imposed on the director pursuant to this Act or any other Act.

(3) The director may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

(4) The exercise of any of the director's powers or the carrying out of any of the director's duties by a person to whom they are delegated is deemed to be the exercise or the carrying out by the director.

(5) A Deputy Director of Film Content may exercise all the powers and fulfil all the duties of the director.

### **Director's duties and powers**

**9(1)** The director may do the following:

(a) for the purposes of carrying out the director's duties or exercising the director's powers pursuant to this Act or the regulations, require a person to submit to the director a film and any information relating to the content of the film in the form and manner and within the period specified by the director;

(b) perform any other duty or exercise any other power set out in this Act or the regulations.

(2) No person shall fail to comply with any requirement imposed by the director pursuant to clause (1)(a).

## **PART 5 Enforcement**

### **Power to enter**

**10(1)** For the purposes of administering and enforcing this Act and the regulations, the director or any person authorized by the director, at any reasonable time without a warrant, may:

(a) enter any premises, other than a private dwelling place, where a film may be located;

(b) enter any premises, other than a private dwelling place, where a film is or is to be exhibited, sold, rented or otherwise made available;

(c) require the production of a film and any information respecting the film's content that the director or person considers necessary;

(d) require any owner of a film or any owner, operator or person in charge of the premises to give the director or person all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

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- (e) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used in connection with a film or respecting a film's content;
  - (f) subject to subsection (2), remove, with the consent of the owner, any film, information respecting a film's content or information affixed to the exterior container of the film for the purposes of viewing the film and of making copies of the film or information, including removing any computer hardware or software or any other data storage, processing or retrieval device or system to produce information; and
  - (g) seize any film, information respecting a film's content or information affixed to the exterior container of the film that the director or person has reasonable grounds to believe is required for the purposes of determining compliance or non-compliance with this Act or the regulations.
- (2) The director or any person authorized by the director shall:
- (a) give a receipt for anything that the director or person removes for viewing or copying;
  - (b) carry out the viewing of any film and the copying of any film or information that has been removed pursuant to clause (1)(f) as soon as is reasonably possible; and
  - (c) promptly return the film or information to the person from whom the film or information was taken.

**Warrant**

- 11(1)** If, on an application without notice by the director or a person authorized by the director, a justice or a provincial court judge is satisfied by information under oath or affirmation that there are reasonable grounds to believe that an offence against this Act or the regulations has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:
- (a) enter and search any place or premises named in the warrant;
  - (b) stop and search any vehicle named in the warrant;
  - (c) search and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act or the regulations;
  - (d) carry out any other activities mentioned in subsection (2).
- (2) With a warrant issued pursuant to subsection (1), the person named in the warrant may:
- (a) enter at any time and search any place or premises named in the warrant;
  - (b) stop and search any vehicle named in the warrant;
  - (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the person finds in the place, premises or vehicle;
  - (d) require the production of and examine any records or property that the person believes, on reasonable grounds, may contain information related to an offence against this Act or the regulations;

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- (e) for the purpose of making copies, remove any records or property examined pursuant to this section;
  - (f) in order to produce, copy and store any records or property, use any computer hardware or software or other data storage, processing or retrieval device or system; and
  - (g) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act or the regulations.
- (3) Subject to subsection (4), the director or person authorized by the director may exercise all or any of the powers mentioned in subsection (2) without a warrant if:
- (a) the conditions for obtaining a warrant exist; and
  - (b) the director or person authorized by the director has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
    - (i) in danger to human life or safety; or
    - (ii) in the loss, removal or destruction of evidence.
- (4) The director or person authorized by the director shall not enter a private dwelling without a warrant issued pursuant to this section unless the occupant of the dwelling consents to the entry.

**Copies of records or property**

- 12(1)** If any records or property are removed or provided pursuant to this Part, the director or person authorized by the director may make copies of those records or property.
- (2) The director or person authorized by the director shall:
- (a) make those copies with reasonable dispatch; and
  - (b) promptly return the originals of the records or property to:
    - (i) the place from which they were removed or provided; or
    - (ii) any other place that may be agreed to by the director or person authorized by the director and the person who provided the records or property or from whom they were seized.

**Order for compliance**

- 13(1)** If it appears to the director that any person has failed to comply with or is contravening any provision of this Act or the regulations and notwithstanding the imposition of any penalty with respect to the non-compliance or contravention and in addition to any other rights the director may have, the director may apply to the Court of King's Bench for an order:
- (a) directing the person to comply with the provision or restraining the person from contravening the provision; and
  - (b) if the person is a corporation, directing the directors and senior officers of the corporation to cause the corporation to comply with or to cease contravening the provision.
- (2) On an application pursuant to subsection (1), the court may grant the order or any other order that the court thinks fit.
- (3) An application pursuant to this section may be made without notice if a judge of the Court of King's Bench considers it proper to do so.

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PART 6  
Offences and Penalties**Offences and penalties**

**14(1)** No person shall fail to comply with any provision of this Act or the regulations.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:

(a) for a first offence:

(i) in the case of an individual, to a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both; or

(ii) in the case of a corporation, to a fine not exceeding \$100,000; and

(b) for a second or subsequent offence:

(i) in the case of an individual, to a fine not exceeding \$10,000, to imprisonment for a term not exceeding one year or to both; or

(ii) in the case of a corporation, to a fine not exceeding \$500,000.

(3) If a corporation commits an offence pursuant to this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted.

**Forfeiture**

**15(1)** If a person has been convicted of a contravention of this Act or the regulations, any item or thing seized in connection with that contravention is forfeited to the Crown in right of Saskatchewan.

(2) If any item or thing has been forfeited, the person from whom the item or thing was seized or any other person claiming to be entitled to the item or thing may apply to the director in the prescribed manner and form to recover the item or thing.

(3) The director may return the item or thing to a person mentioned in subsection (2) if the director is satisfied that it is appropriate to do so.

(4) Any item or thing seized in connection with an alleged contravention of this Act or the regulations is to be returned to the person from whom it was seized if:

(a) no prosecution for a contravention of this Act or the regulations is commenced within 30 days after the date of the seizure; or

(b) a prosecution respecting the item or thing seized results in an acquittal and no appeal is taken within the applicable appeal period.

(5) All items and things forfeited to the Crown in right of Saskatchewan pursuant to this section are to be sold or otherwise disposed of by the director in the prescribed manner.



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PART 7  
Regulations

## Regulations

**16** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting the exhibiting of films;
- (c) respecting adult films including:
  - (i) prescribing scenes for the purposes of the definition of “adult film” in section 2;
  - (ii) regulating and prohibiting the presence of persons under 18 years of age in premises where adult films are being exhibited, sold, rented or otherwise made available;
- (d) for the purposes of section 3, prescribing information respecting a film’s content and the manner of making the information available to the public;
- (e) for the purposes of section 5, prescribing films that are exempt from the application of section 3;
- (f) for the purposes of subsection 6(1) prescribing entities;
- (g) for the purposes of clause 9(1)(b), prescribing duties or powers of the director;
- (h) exempting any person or class of persons or film or class of films from all or any portion of this Act or the regulations on any terms or conditions that may be prescribed and requiring compliance with those terms and conditions;
- (i) for the purposes of section 15:
  - (i) prescribing the manner and form in which an application to recover an item or thing is to be made; and
  - (ii) prescribing the manner in which items or things forfeited to the Crown in right of Saskatchewan are to be sold or otherwise disposed of;
- (j) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (k) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

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## PART 8

**Repeal, Transitional, Consequential Amendments  
and Coming into Force****SS 2016, c F-13.21 repealed**

**17** *The Film and Video Classification Act, 2016* is repealed.

**SS 2006, c 20 repealed**

**18** *The Film and Video Classification Amendment Act, 2006* is repealed.

**Transitional re previous classifications**

**19** Subject to the regulations, a classification made pursuant to *The Film and Video Classification Act, 2016*, as that Act existed before the coming into force of this Act, continues to be valid and in force.

**SS 2012, c F-13.5, section 2 amended**

**20** Section 2 of *The Financial and Consumer Affairs Authority of Saskatchewan Act* is amended:

(a) by repealing subclause (d)(xi) and substituting the following:

“(xi) *The Film Content Information Act*”; and

(b) by repealing subclause (e)(ix) and substituting the following:

“(ix) the Director of Film Content appointed pursuant to *The Film Content Information Act*”.

**Coming into force**

**21** This Act comes into force by order of the Lieutenant Governor in Council.



FOURTH SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

No. 148

An Act respecting Films, repealing certain Acts  
and making consequential amendments to  
another Act

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Received and read the

First time

Second time

Third time

And passed

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Honourable Bronwyn Eyre

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